

UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

IN RE: : Chapter 11

WILLIAM L. FLICKINGER and : Case No. 1:11-bk-02453-MDF
SUZAN A. FLICKINGER, :
dba FLEETWOOD FARMS :
Debtors :
:

SUSQUEHANNA BANK, FORMERLY :
SUSQUEHANNA BANK PA, :
Movant :
:

vs. :
:

WILLIAM L. FLICKINGER and :
SUZAN A. FLICKINGER :
dba FLEETWOOD FARMS, :
Respondents :
:

**MOTION OF SUSQUEHANNA BANK, FORMERLY SUSQUEHANNA BANK PA, FOR
RELIEF FROM THE AUTOMATIC STAY OF SECTION 362 OF THE BANKRUPTCY
CODE**

Movant, Susquehanna Bank, formerly Susquehanna Bank PA, (the "Bank") seeks relief from the automatic stay of Section 362 of the United States Bankruptcy Code, and requests an Order authorizing the Bank to exercise its rights and remedies under state law with regard to the Premises described below pursuant to the Note and Mortgage between the Debtors and the Bank and in support thereof, avers as follows:

1. Movant, Susquehanna Bank, formerly Susquehanna Bank PA, is a Pennsylvania banking association, having an office located at 901 U.S. Route 522, Selinsgrove, Pennsylvania 17870.
2. Debtors filed a voluntary petition under Chapter 13 of the United States Bankruptcy Code on April 15, 2011 and were granted an order for relief thereon.

3. The Bank is the holder of a secured claim (the "Claim") against the Debtors, by virtue of a Note (the "Note") executed by the Debtors, dated May 22, 2008 in the original principal amount of \$596,500.00. A true and correct copy of the Note is attached hereto, made a part hereof and marked as Exhibit "A."

4. The Note is secured by a Mortgage (the "Mortgage") dated May 22, 2008 on real estate owned by the Debtors being located at **244 Scholl Road, Winfield, Snyder County, Pennsylvania** and consisting of a lot of ground with improvements (the "Premises.") A true and correct copy of the Mortgage is attached hereto, made a part hereof and marked as Exhibit "B."

5. Debtors are currently in default under the Note and Mortgage in that Debtors have failed to make monthly payments and are contractually due for November 22, 2009 and have failed to make the post-petition payment in May, 2011 on the Note and Mortgage. A true and correct copy of the Post-Petition Payment History Form 4001-1 is attached hereto, made a part hereof and marked as Exhibit "C".

6. The Debtors' Chapter 13 Plan indicates Debtors will surrender the Premises.

7. The Debtors' Chapter 13 Plan has not been confirmed.

8. The Bank scheduled the Premises for a Sheriff's Sale in Snyder County for April 8, 2011.

9. The Sheriff's Sale was postponed to July 8, 2011 due to the Debtors' bankruptcy filing.

10. As of April 15, 2011, the amount owed on the Bank's Claim is \$666,673.23 plus continuing attorneys fees, and costs, late charges, and interest accruing at a rate of \$163.57171 per diem.

11. The Movant does not have, and has not been offered, adequate protection for its interest in the Premises.

12. There is no equity in the Premises for the Debtors or the Estate of the Debtors.
13. As a result of the above defaults, the Bank seeks an Order allowing the Bank to exercise its rights and remedies against the Premises under applicable state law and directing that such relief is not subject to Bankruptcy Rule 4001(a)(3).

WHEREFORE, Movant, Susquehanna Bank, formerly Susquehanna Bank PA respectfully requests that this Court enter an Order, substantially in the form of the attached Proposed Order, lifting the Automatic Stay imposed by Section 362 of the Bankruptcy Code and allowing the Movant to exercise its rights and remedies against the Premises being located at **244 Scholl Road, Winfield, Snyder County, Pennsylvania**, under state law; an Order allowing Movant to immediately exercise its rights and remedies against the Premises in accordance with Bankruptcy Rule 4001(a)(3); and granting such other and further relief as the Court deems just.

Dated: June 2, 2011

BARLEY SNYDER LLC
By: /s/ *Shawn M. Long*
Shawn M. Long, Esquire
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